

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA**

IRISH 4 REPRODUCTIVE HEALTH
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES
et al.,

Defendants.

Case No. 3:18-cv-0491-PPS-JEM

NOTICE OF SUPPLEMENTAL AUTHORITY

Federal Defendants respectfully give notice to the Court regarding the attached memorandum and order granting defendants' motion for summary judgment and denying plaintiff's motion for summary judgment in *Massachusetts v. Department of Health & Human Services*. Mem. & Order (Op.), No. 17-cv-11930 (D. Mass. Jan. 15, 2021), ECF No. 139, attached as Ex. A.

That case involved challenges to the validity of the same Final Rules at issue here. The District of Massachusetts court concluded that the Supreme Court's decision in *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367 (2020), disposed of plaintiff's procedural challenges to the Final Rules and argument that the defendant-agencies lacked statutory authority to promulgate the Final Rules. Op. 12. Turning to the remaining claims, the District of Massachusetts court rejected plaintiff's claim that the Final Rules were arbitrary and capricious. Op. 12-19. The court also rejected plaintiff's Establishment Clause claim. Op. 19-24. Finally, the court rejected plaintiff's equal protection claim. Op. 25-29.

Dated: January 19, 2021

Respectfully submitted,

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/s/ Rebecca M. Kopplin
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Federal Defendants' Notice of Supplemental Authority was served on counsel for all parties using the Court's CM/ECF system on January 19, 2021.

/s/ Rebecca M Kopplin
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Counsel for Federal Defendants